

PART 1

TRANSIENT RETAIL BUSINESS

§101. Definitions.

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LEGAL HOLIDAY — New Year’s Day, Martin Luther King’s Birthday, Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas Day.

PERSON — any natural person, partnership, association, corporation or other legal entity.

TRANSIENT RETAIL BUSINESS –

- (1) Engaging in peddling, soliciting or taking orders, either by sample or otherwise, for any goods, wares, or merchandise upon any street, alley, sidewalk or public ground, or from house to house, within the Borough of Elizabethtown.
- (2) Selling, soliciting or taking orders for any goods, wares or merchandise from a fixed location within the Borough of Elizabethtown, on a temporary basis, which shall include, but not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for yearly holidays.
- (3) Engaging in selling or providing services from house to house within the Borough of Elizabethtown.

The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 7/25/1928; as revised by Ord. 829, 11/15/2001)

§102. Permit Required; Conditions of Issuance; Fee.

No person shall engage in any transient retail business within the Borough of Elizabethtown without first having obtained from the Police Department a permit, for which a fee, which shall be for the use of the Borough of Elizabethtown, shall be charged, said fee to be in such amount as established, from time to time, by resolution of the Borough Council.

(Ord. 7/25/1928; as revised by Ord. 829, 11/15/2001)

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§103. Exceptions.

No permit fee shall be charged:

- A. To farmers selling their own produce.
- B. For the sale of goods, wares and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.
- C. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.
- D. To children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.
- E. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
- F. To a person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. §162.1 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.
- G. For taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.

But all persons exempted hereby from the payment of the permit fee shall be required to register with the Borough Secretary and obtain a permit without fee; provided, any person dealing in one or more of the above mentioned exempted categories, and dealing with other goods, wares or merchandise not so exempted, shall be subject to the payment of the permit fee fixed by this Section for his activities in connection with the sale of goods, wares and merchandise not in such exempted categories. Provided, further, the Borough Secretary may similarly exempt from payment of the permit fee, but not from registering with him, persons working without compensation and selling goods, wares or merchandise for the sole benefit of a nonprofit corporation. Provided, further, every permit issued under the provisions of this Part shall be issued on an individual basis to any person or persons engaging in such business; every individual shall obtain a separate permit, issued to him in his name, and the permit fee hereby imposed shall be applicable to every such individual permit, except that a representative of a charitable organization may obtain permits for the applicants.

(Ord. 7/25/1928; as revised by Ord. 829, 11/15/2001)

§104. Permit Application.

Every person desiring a permit under this Part shall first make application to the Police Department for such permit. He shall, when making such application, exhibit a valid permit from any State or County officer, if such permit is also required. The applicant shall state:

- A. His criminal record, if any.
- B. Name and address of the person by whom he is employed.
- C. Type of goods, wares and merchandise he wishes to deal with in such transient retail business.
- D. Length of time for which permit is to be issued.
- E. Type and license number of the vehicle to be used, if any.

(Ord. 7/25/1928; as revised by Ord. 829, 11/15/2001)

§105. Issuance of Permit; Custody, Display and Exhibit.

Upon receipt of such application and the prescribed fee, the Police Department, if it shall find such application in order, shall issue the permit required under this Part. Such permit shall contain the information required to be given on the application therefore. Every permit holder shall carry such permit upon his person if engaged in transient retail business from house to house or upon any of the streets, alleys, sidewalks, or public grounds, or shall display such permit at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such permit, upon request, to all police officers, Borough officials, and citizens or residents of the Borough of Elizabethtown.

(Ord. 7/25/1928; as revised by Ord. 829, 11/15/2001)

§106. Prohibited Acts.

No person in any transient retail business shall:

- A. Sell any product or type of product not mentioned in his permit.
- B. Hawk or cry his wares upon any of the streets, alleys, sidewalks or public grounds in the Borough of Elizabethtown.

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- C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Borough for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity.
- D. Park a vehicle upon any of the streets or alleys in the Borough for the purpose of sorting, rearranging or cleaning any of his goods, wares or merchandise or of disposing of any carton, wrapping material or stock, wares or food-stuffs which have become unsalable through handling, age or otherwise.
- E. Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 9:00 a.m. or after 6:00 p.m. on any day of the week other than a Sunday or legal holiday.

(Ord. 7/25/1928; as revised by Ord. 829, 11/15/2001)

§107. Supervision; Records and Reports.

The Police Department shall supervise the activities of all persons holding permits under this Part. The Police Department shall keep a record of all permits issued hereunder.

(Ord. 7/25/1928; as revised by Ord. 829, 11/15/2001)

§108. Denial, Suspension and Revocation of Permit; Appeal.

The Police Chief of the is hereby authorized to deny, suspend or revoke any permit issued under this Part when he deems such denial, suspension or revocation to be beneficial to the public health, safety, or morals, or for violation of any provision of this Part, or for giving false information upon any a application for a permit hereunder Appeals from any suspension, revocation or denial of a permit may be made to the Borough Council at any time within 10 days after such suspension, revocation or denial and a hearing shall be held within 30 days of the petition for appeal. No part of a permit fee shall be refunded to any person whose permit shall have been suspended or revoked.

(Ord. 7/25/1928; as revised by Ord. 829, 11/15/2001)

§109. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 7/25/1928; as revised by Ord. 829, 11/15/2001)